IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:14-CV-00714-RJC-DSC

SIRONA DENTAL, INC.,)	
Plaintiff,)))	
v.)	
JOHN SMITHSON AND MARIA SMITHSON,)))	<u>ORDER</u>
Defendants.)	

THIS MATTER is before the Court on Defendants' "Motion to Dismiss" (document # 20) filed February 27, 2015. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1).

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or, "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B) (emphasis added).

Plaintiff filed its Amended Complaint on March 16, 2015, seventeen days after Defendants filed their Motion to Dismiss. Consequently this is within the twenty-one days allowed under Rule 15.

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS HEREBY ORDERED that:

- 1. Defendants' "Motion to Dismiss" (document #20) is **DENIED** administratively as moot without prejudice.
- 3. The Clerk is directed to send copies of this Order to the parties' counsel; <u>and to the Honorable Robert J. Conrad, Jr.</u>

SO ORDERED.

Signed: March 17, 2015

David S. Cayer

United States Magistrate Judge